

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON UTILITIES AND
ENERGY**

July 2009

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STATE OF MAINE

124TH LEGISLATURE
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Utilities and Energy

This bill raises the upper limit of the assessments on transmission and distribution utilities to fund the solar and wind energy rebate program from 0.005 cent per kilowatt-hour to 0.01 cent per kilowatt-hour. The bill also repeals the provision in current law that repeals the solar and wind energy rebate on December 31, 2010.

Committee Amendment "A" (S-90)

This amendment replaces the bill. The amendment delays the repeal of the solar and wind energy rebate program from December 1, 2010 to December 1, 2015. The amendment directs the Public Utilities Commission to use federal stimulus funds made available to the commission under the American Recovery and Reinvestment Act of 2009 to increase funding for the solar and wind energy rebate program by \$500,000 per year for a 2-year period and to report the results of the funding expansion and recommendations regarding future funding of the program in the commission's December 1, 2010 annual report of the solar and wind energy rebate program. The amendment also directs the commission to amend the rules governing the solar and wind energy rebate program to include performance standards as an educational tool for program applicants and to require applicants to complete a simple payback period calculation as part of the rebate application form.

Enacted Law Summary

Public Law 2009, chapter 88 delays the sunset on the solar and wind energy rebate program from December 1, 2010 to December 1, 2015, and directs the Public Utilities Commission to use federal stimulus funds made available under the American Recovery and Reinvestment Act of 2009 to increase funding for the solar and wind energy rebate program by \$500,000 per year for a 2-year period. It requires the commission to report the results of the funding expansion and recommendations regarding future funding of the program in the December 1, 2010 annual report of the solar and wind energy rebate program. This law also directs the commission to amend the rules governing the solar and wind energy rebate program to include performance standards as an educational tool for program applicants and to require applicants to complete a simple payback period calculation as part of the application form.

Public Law 2009, chapter 88 was enacted as an emergency measure effective May 8, 2009.

LD 238

An Act Regarding Consumer-owned Water Utilities and Contracts for Large-scale Extraction and Transportation of Water

PUBLIC 37

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEGG SULLIVAN	OTP-AM	H-35

This bill requires a consumer-owned water utility to hold a public hearing and to secure approval of a majority of voters in a referendum vote before entering into a contract with any entity that involves:

1. The sale of water for purposes other than on-site use or consumption by the purchasing entity;
2. The sale or lease of any water rights held by the utility, including the right to extract water from sources from which the utility is authorized to obtain water; or
3. The sale of any water or sale or lease of any water rights on terms different than those available to any other similarly situated entity.

Committee Amendment "A" (H-35)

This amendment replaces the bill. The amendment prohibits a consumer-owned water utility from entering into a contract that involves large-scale extraction and transportation of water until the utility has:

Joint Standing Committee on Utilities and Energy

1. Held a public meeting that includes opportunity for public comment at least 30 days before entering into such contract;
2. Provided public notice of the meeting and the proposed contract to each of the utility's customers, the Public Utilities Commission, the Office of the Public Advocate and affected municipalities, and in a newspaper of general circulation in the area served by the utility, at least 30 days prior to the meeting; and
3. Made a copy of the proposed contract available for public inspection prior to the meeting.

The amendment specifies that the requirements do not apply to any contract between a consumer-owned water utility and another entity that involves large-scale extraction and transportation of water when the entity contracting with the utility is an existing customer of the utility or is a water utility, or when the transportation of water to be provided under the contract qualifies as one of several exceptions in the laws governing restrictions on bulk transport of water.

Enacted Law Summary

Public Law 2009, chapter 37, prohibits a consumer-owned water utility from entering into a contract that involves large-scale extraction and transportation of water until the utility has:

1. Held a public meeting that includes opportunity for public comment at least 30 days before entering into such contract;
2. Provided public notice of the meeting and the proposed contract to each of the utility's customers, the Public Utilities Commission, the Office of the Public Advocate and affected municipalities, and in a newspaper of general circulation in the area served by the utility, at least 30 days prior to the meeting; and
3. Made a copy of the proposed contract available for public inspection prior to the meeting.

The law specifies that these requirements do not apply to any contract between a consumer-owned water utility and another entity that involves large-scale extraction and transportation of water when the entity contracting with the utility is an existing customer of the utility or is a water utility, or when the transportation of water to be provided under the contract qualifies as one of several exceptions in the laws governing restrictions on bulk transport of water.

Public Law 2009, chapter 37 was enacted as an emergency measure effective April 17, 2009.

LD 264 An Act To Amend the Surcharge for the E-9-1-1 System

**PUBLIC 416
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEARY	OTP-AM	H-437

This bill increases the statewide E-9-1-1 surcharge from 30¢ to 50¢ per month.

Committee Amendment "A" (H-437)

This amendment increases the E-9-1-1 surcharge from 30¢ to 37¢ effective July 1, 2009, and 52¢ effective July 1, 2010. The amendment also authorizes the Joint Standing Committee on Utilities and Energy to submit legislation regarding the E-9-1-1 surcharge to the Second Regular Session of the 124th Legislature. If the committee elects to submit legislation under this authority, the committee is required to consider certain information regarding the